

Plan for the Coastal Migratory Pelagic Resources (FMP). This notice proposes: (1) For the Gulf migratory group of king mackerel, increases in TAC and allocations, and in the western area (off Texas) and central area (off Louisiana, Mississippi, and Alabama), removal of the three-fish alternative bag limit available for persons fishing from charter vessels; (2) for the Atlantic migratory group of king mackerel, a change in the daily bag limit applicable to the southern area (off Florida), from five per person to the limit applicable to Florida's waters, but not to exceed five per person; (3) for the Gulf migratory group of Spanish mackerel, a change in the daily bag limit applicable to (a) The eastern area (off Florida) from five per person to the limit applicable to Florida's waters, but not to exceed ten per person; and (b) the western area (off Texas) from three per person to the limit applicable to Texas' waters, but not to exceed ten per person; (4) for the Atlantic migratory group of Spanish mackerel, change in the daily bag limit applicable to the southern area (off Florida), from five per person to the limit applicable to Florida's waters, but not to exceed ten per person; and (5) for cobia, an increase in MSY from 1.0 to 2.2 million pounds (m. lb.). The intended effects are to protect the mackerels and cobia from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on these species.

DATES: Written comments must be received on or before August 17, 1992.

ADDRESSES: Comments may be mailed to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3181.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642.

In accordance with 50 CFR 642.27, the Councils appointed a stock assessment panel (panel) to assess on an annual basis the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the panel's 1992 report and recommendations, advice from the Mackerel Advisory Panels and the Scientific and Statistical Committees, and public input, the

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 920248-2168]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS issues a preliminary notice of change in the total allowable catch (TAC), allocations, quotas, and bag limits for the Atlantic and Gulf of Mexico migratory groups of king and Spanish mackerel, and in the maximum sustainable yield (MSY) for cobia, in accordance with the framework procedure of the Fishery Management

Councils recommended to the Director, Southeast Region, NMFS (Regional Director), changes to the TAC, allocations, and bag limits.

Specifically, the Councils recommended that, effective with the fishing year that begins July 1, 1992, the annual TAC for the Gulf migratory group of king mackerel be increased to 7.80 m. lbs. This recommended TAC is within the range of the acceptable biological catch chosen by the Councils. For the 1992/93 fishing year, the Councils recommended no changes in the TAC or allocations for the other mackerel groups. Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of each TAC. The Gulf king mackerel commercial allocation is divided by fixed percentages into quotas for eastern and western zones. Under these percentages and the recommended TAC, allocations and quotas for the fishing year that commences July 1, 1992, would be as follows:

Species and percent	m. lbs.
Gulf King Mackerel-TAC	7.80
Recreational allocation (68)	5.30
Commercial allocation (32)	2.50
Eastern zone (69)	(1.73)
Western zone (31)	(0.77)

The recreational fishery is regulated by both allocations and bag limits. For Gulf group king mackerel, the Councils recommended a uniform daily bag limit of two fish per person. The alternative daily bag limit, currently available for persons fishing from charter vessels in the western area (off Texas) and in the central area (off Louisiana, Mississippi, and Alabama), of three per person, excluding operator and crew, or two per person, including operator and crew, would be removed. The three-fish option for persons fishing from charter vessels in the eastern area (off Florida) was previously removed.

The Councils' intent in removing the three-fish option was to further reduce recreational fishing mortality and, thereby, address persistent problems caused by early reduction to zero of the bag limits in the Gulf king mackerel recreational fishery. In four of the last five fishing years the recreational allocation was reached and zero bag limits were implemented in December or January, negatively impacting important winter and spring recreational fisheries. Previous analyses indicate that elimination of the three-fish charter vessel option could moderately reduce catch and prolong recreational harvest. The Councils believe that the

elimination of this option in the western and central areas, in combination with the increased TAC and recreational allocation, should afford Gulf-wide benefits by allowing uninterrupted recreational harvest in the EEZ throughout the fishing year under the two-fish bag limit.

For Atlantic group king mackerel, the Councils recommended changing the daily bag limit in the southern area (off Florida) to the bag limit applicable in Florida's waters, but not to exceed five fish per person. The daily bag limit in Florida's waters is currently two king mackerel per person.

For Gulf group Spanish mackerel, the Councils recommended changing the daily bag limits in the eastern area (off Florida) and in the western area (off Texas) to the bag limits applicable in Florida's and Texas' waters, respectively, but not to exceed ten fish per person. The daily bag limit in Florida's waters is currently five Spanish mackerel per person but is proposed by the Florida Marine Fisheries Commission to be increased to ten effective January 1, 1993. The daily bag limit in Texas' waters is currently three Spanish mackerel per person but is scheduled to increase to seven effective September 1, 1992.

For Atlantic group Spanish mackerel, the Councils recommended changing the daily bag limit in the southern area (off Florida) to the bag limit applicable in Florida's waters, but not to exceed ten fish per person. The daily bag limit in Florida's waters is currently five Spanish mackerel per person but, as for Gulf group Spanish mackerel, is proposed to be increased to ten effective January 1, 1993.

These bag limit changes would foster compatibility and simplicity between Federal and state fishing regulations, to promote compliance and enforceability, and to facilitate the achievement of optimum yield.

Finally, an increase from 1.0 to 2.2 m. lbs. in MSY is recommended for cobia. The current MSY of 1.0 m. lbs. was based solely on commercial landings estimates. Combined commercial and recreational landings have remained stable at 2.2 m. lbs. for a period greater than one generation, thus indicating that 2.2 m. lbs. is a more appropriate MSY.

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with the goals and objectives of the FMP. Accordingly, the Councils recommended changes are published for comment.

Classification

The Assistant Administrator for Fisheries, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291 because the total impact is well under the threshold level of \$100 million used as a guideline for a "major rule."

The Councils prepared a regulatory impact review (RIR) on this action. The conclusions of the RIR are summarized as follows: The increased allocations of Gulf group king mackerel are expected to generate additional benefits in ex-vessel revenues, consumer surplus, and charter vessel profits. The changes in the bag limits for Atlantic group king mackerel and Gulf and Atlantic groups of Spanish mackerel have potential for benefits to the recreational sectors if Florida and Texas raise their respective bag limits.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because the proposed regulations are not likely to result in reduction of gross revenues to participants in the industry. Accordingly, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 22, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 642.21 [Amended]

2. In § 642.21, the numbers are revised in the following places to read as follows:

Paragraph	Re- moved	Added
(a)(1), first sentence	1.84	2.50
(a)(1)(i)	1.27	1.73
(a)(1)(ii)	0.57	0.77
(b)(1)	3.91	5.30

3. In § 642.28, paragraphs (a)(1)(i) through (a)(1)(iv) and (a)(3) are revised to read as follows:

§ 642.28 Bag and possession limits.

(a) * * *

(1) * * *

(i) *King mackerel Gulf migratory group.* Possessing two king mackerel per person per day.

(ii) *King mackerel Atlantic migratory group.*

(A) *Northern area.* Possessing five king mackerel per person per day.

(B) *Southern area.* Possessing the limit specified by Florida, in Rule 46-12.004, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed five king mackerel per person per day.

(iii) *Spanish mackerel Gulf migratory group.*

(A) *Eastern area.* Possessing the limit specified by Florida, in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed ten Spanish mackerel per person per day.

(B) *Center area.* Possessing ten Spanish mackerel per person per day.

(C) *Western area.* Possessing the limit specified by Texas, in Rule 31-65.72, Texas Administrative Code, But not to exceed ten Spanish mackerel per person per day.

(iv) *Spanish mackerel Atlantic migratory group.*

(A) *Northern area.* Possessing ten Spanish mackerel per person per day.

(B) *Southern area.* Possessing the limit specified by Florida, in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed ten Spanish mackerel per person per day.

(3) *Areas.* For the purposes of paragraph (a)(1) of this section.

(i) The boundary between the northern and southern areas is a line extending directly east from the Georgia/Florida boundary (30°42'45.6" N. latitude) to the outer limit of the EEZ;

(ii) The boundary between the eastern and central areas is a line extending directly south from the Alabama/Florida boundary (87°31'06" W. longitude) to the outer limit of the EEZ (identical to the boundary between the eastern and western zones in the commercial fishery); and

(iii) The boundary between the central and western areas is an extension of the boundary between Louisiana and Texas, namely, a line from point A (on the seaward limit of Texas' waters) at

29°32.1' N. latitude, 93°47.7' W. longitude to point B (on the outer limit of the EEZ) at 26°11.4' N. latitude, 92°53' W. longitude.

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